

Notice of Allowability

Application No.

10/084,039

Examiner

Charles E. Cooley

Applicant(s)

SOUTH ET AL.

Art Unit

1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 1 MAR 2004.
2. ☒ The allowed claim(s) is/are 1,3-5,11 and 13-21.
3. ☒ The drawings filed on 27 February 2002 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Charles E. Cooley
Primary Examiner
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EXAMINER'S AMENDMENT AND REMARKS

Correction of Inventorship

1. In view of the papers filed 1 MAR 2004, it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of joint inventor Ismail C. Bagci.

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

The application has been amended as follows:

Amendments to the Claims:

1. A fluid separation centrifuge for the separation of particulate matter from a fluid comprising:

a rotor housing including a housing wall; and

a base plate for a fluid separation device positioned within said rotor housing,

wherein the improvement comprises:

said base plate being designed and arranged with a peripheral lip formed with a generally cylindrical modified portion therein, said modified portion having a lateral cross sectional shape which is U-shaped; and

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said rotor housing including a generally cylindrical projection spaced inwardly from said housing wall and which is designed and arranged to contact said modified portion so as to create a generally cylindrical sealed interface at the location of circumferential contact between said projection and said modified portion.

3. The fluid separation centrifuge of claim 1 wherein said rotor housing is fabricated out of plastic.

11. A fluid separation centrifuge for the separation of particulate matter from a fluid comprising:

a rotor housing including a housing wall; and

a support plate comprising one portion of a fluid separation device positioned within said rotor housing wherein the improvement comprises:

said support plate defining an annular receiving channel having a lateral cross sectional shape which is U-shaped; and

a raised, substantially cylindrical projection comprising one portion of said rotor housing and being spaced inwardly from said housing wall, said cylindrical projection being received by said receiving channel with an interference fit for establishing a sealed interface between said projection and said receiving channel.

13. The fluid separation centrifuge of claim 11 wherein said rotor housing is fabricated out of plastic and said projection is in unitary construction with the remainder of said rotor housing.

19. A fluid separation centrifuge for the separation of particulate matter from a fluid comprising:

- a rotor housing including a housing wall; and
- a base plate for a fluid separation device positioned within said rotor housing,

wherein the improvement comprises:

- said base plate being integral with a centertube and being designed and arranged with a peripheral lip formed with a generally cylindrical wall portion; and
- said rotor housing including a generally cylindrical projection spaced inwardly from said housing wall and which is designed and arranged with an inside surface for contacting said wall portion so as to create a generally cylindrical sealed interface at the location of circumferential contact between said projection and said wall portion by a spin weld.

20. A fluid separation centrifuge for the separation of particulate matter from a fluid comprising:

- a rotor housing including a housing wall; and
- a base plate for a fluid separation device positioned within said rotor housing,

wherein the improvement comprises:

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said base plate being integral with a centertube and being designed and arranged with a peripheral lip formed with a generally cylindrical wall portion; and said rotor housing including a generally cylindrical projection spaced inwardly from said housing wall and which is designed and arranged with an inside surface for contacting said wall portion so as to create a generally cylindrical sealed interface at the location of circumferential contact between said projection and said wall portion by an interference fit.

21. A fluid separation centrifuge for the separation of particulate matter from a fluid comprising:

a rotor housing including a housing wall; and

a base plate for a fluid separation device positioned within said rotor housing,

wherein the improvement comprises:

said base plate being integral with a centertube and being designed and arranged with a peripheral lip formed with a generally cylindrical wall portion; and said rotor housing including a generally cylindrical projection spaced inwardly from said housing wall and which is designed and arranged with an inside surface for contacting said wall portion so as to create a generally cylindrical sealed interface at the location of circumferential contact between said projection and said wall portion by the use of an adhesive.

* * *

3. The above presentation of claims 1, 3, 11, and 13 is merely to present these claims without the improper status identifiers associated with these claims in the amendment filed 01 MAR 2004. Claims 1, 3, 11, and 13 appearing in said amendment should be --Currently Amended-- rather than "Presently amended". No other changes were made to claims 1, 3, 11, and 13. Newly presented claims 19-21 are shown without underlining, as new claims must not be underlined. No other changes were made to claims 19-21.

Reasons for Allowance

4. The following is an examiner's statement of reasons for allowance:

The claims are deemed allowable over the patents to Headley et al. '308, Joshi et al. '928, and GB 2302049 in view of the amendments to the claims and the remarks filed 1 MAR 2004. In view of the affidavits under 37 CFR 1.132 by Peter K. Herman and Ismail C. Bagci and in view of Applicant's remarks on this issue, the Herman et al. reference (US 2001/0016549 A1) does not constitute prior art under 35 USC 102(e) since it is not an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent as required for a rejection under 35 USC 102(e).

5. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Cooley whose telephone number is (571) 272-1139. The examiner can normally be reached on Mon-Fri. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Charles" followed by a stylized flourish.

Charles E. Cooley
Primary Examiner
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20 May 2004